

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 24**

<p>Ranger American Armored Services, Inc. Employer</p> <p style="text-align:center">and</p> <p>Frente Unido de Operadores de Camiones Blindados y Guardias de Seguridad de Puerto Rico, Inc. Petitioner</p>	<p>Cases        24-RC-8592                   24-CA-10869</p>
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**REPORT ON CHALLENGED BALLOT,**  
**ORDER CONSOLIDATING CASES AND NOTICE OF HEARING**

Pursuant to a Stipulated Election Agreement approved by the undersigned Regional Director on February 22, 2008, an election by secret ballot was conducted on March 14, 2008, under the direction and supervision of the undersigned among all full-time and part-time armored car operators employed by the Employer at its facility located in Ponce, Puerto Rico, but excluding all other employees, other guards and supervisors as defined in the National Labor Relations Act, as amended, to determine whether or not said employees desired to be represented for the purposes of collective bargaining by Frente Unido de Operadores de Camiones Blindados y Guardias de Seguridad de Puerto Rico, Inc., hereinafter called the Petitioner.

The Corrected Tally of Ballots, duly served upon the parties, revealed the following:

Approximate numbers of eligible voters	17
Void ballots	0
Votes cast for the Petitioner	8
Votes cast against participating labor organization	8
Valid votes counted	16
Challenged ballots	1
Valid votes counted plus	17

Challenges are sufficient in number to affect the results of the election.

No objections to the election or to conduct affecting the results of the election were filed.

Pursuant to the Stipulated Election Agreement, and in conformity with Section 102.69 of the Board's Rules and Regulations, the undersigned Regional Director caused an investigation to be made of the challenged ballot and now sets forth her findings and conclusions and recommendations with respect thereto.

### THE CHALLENGE

#### Nelson Torres

During the course of the election, on March 14, the Board agent conducting the election challenged the ballot cast by Nelson Torres because his name did not appear on the eligibility list submitted by the Employer.

On February 26, 2008, an unfair labor practice in Case 24-CA-10869 was filed by Nelson Torres, an Individual, alleging that he was discriminatorily discharged by the Employer, and on September 30, 2008, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued alleging, *inter alia*, the unlawful discharge of Nelson Torres as a violation of Section 8(a)(1) and (3) of the Act.

Since this challenge raises substantial and material issues of fact and credibility, and the eligibility of the voter whose ballot was challenged is contingent upon the disposition of the unfair labor practice proceeding, a hearing shall be directed with regards thereto.

### ORDER

IT IS HEREBY ORDERED, pursuant to Section 102.69 of the Board's Rules and Regulations, that a hearing be held before an Administrative Law Judge, to be duly designated, to resolve the issues raised by the challenge to the ballot of Nelson Torres.

IT IS FURTHER ORDERED, pursuant to Section 102.69 and 102.72 of the Board's Rules and Regulations, that Case 24-RC-8592 be, and the same hereby is,

consolidated with Case 24-CA-10869 for the purposes of hearing, ruling, and decision by an Administrative Law Judge, and thereafter Case 24-RC-8592 be transferred to and continued before the Board in Washington, D.C., and that the provisions of Section 102.46 and 102.69 of the above-mentioned Rules and Regulations shall govern the filling of exceptions thereto.<sup>1</sup>

Dated at San Juan, Puerto Rico this 30th day of September 2008.

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Marta M. Figueroa, Regional Director  
National Labor Relations Board  
Region 24

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<sup>1</sup> Under the provisions of Section 102.69 of the Board's Rules and Regulations, exceptions to this report may be filed with the Board in Washington, D.C. 20570. Exceptions must be received by the Board in Washington by October 14, 2008.

Under the provisions of Section 102.69(g) of the Board's rules, documentary evidence, including affidavits, which a party has timely submitted to the Regional Director in support of its challenges and which are not included in the Report, are not part of the record before the Board unless appended to the exceptions or opposition thereto which the party files with the Board. Failure to append to the submission to the Board copies of evidence timely submitted to the Regional Director and not included in the report shall preclude a party from relying upon that evidence in any subsequent related unfair labor practice proceeding.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: [www.nlr.gov](http://www.nlr.gov)